

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

EXPORT IMPORT BANK OF THE
UNITED STATES,

Plaintiff,

vs.

THEODORE M. JENNEY and
SANDY J. CHIRAS,

Defendants.

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No. 3:09CV00022 SWW

Order

Before the Court is plaintiff's motion for default judgment. An entry of default from the Clerk of the Court pursuant to Fed.R.Civ.P. 55(a) is a prerequisite to the grant of a default judgment under Rule 55(b). *Johnson v. Dayton Elec. Mfg. Co.*, 140 F.3d 781, 783 (8th Cir. 1998). There has been no entry of default.

Rule 55(a) provides that: "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party's default." Plaintiff's motion does not address defendants' failure to plead or otherwise defend. The Court therefore denies at this time plaintiff's motion for default judgment [docket entry 4].

DATED this 12th day of May 2009.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE